

**MINUTES OF THE  
ADMINISTRATIVE RULES REVIEW COMMITTEE**  
Tuesday, June 22, 2004 – 9:00 a.m. – Room W20 House Building

**Members Present:**

Sen. Howard A. Stephenson, Senate Chair  
Rep. David Ure, House Chair  
President Al Mansell  
Sen. Ed Mayne  
Sen. Michael G. Waddoups  
Rep. Judy A. Buffmire  
Rep. Greg J. Curtis  
Rep. James R. Gowans  
Rep. Merlynn T. Newbold

**Members Absent:**

Sen. Mike Dmitrich

**Staff Present:**

Mr. Arthur L. Hunsaker, Policy Analyst  
Ms. Susan Creager Allred, Associate General Counsel

**Note:** A list of others present and a copy of materials can be found at [www.le.utah.gov](http://www.le.utah.gov) or by contacting the committee secretary at 538-1032. A recording of the meeting may also be available from the Office of Legislative Research and General Counsel.

**1. Committee Business**

Chair Stephenson called the meeting to order at 9:11 a.m.

**MOTION:** Representative Ure moved to approve the minutes of the June 1, 2004 meeting. The motion passed unanimously with President Mansell and Rep. Curtis absent.

**2. Outdoor Advertising Rules and Statutes**

Sen. Stephenson introduced the issue. Craig Moody, lobbyist, and Leslie Van Frank, attorney, both addressed the Committee as representatives of Reagan Advertising. Ms. Van Frank distributed a handout entitled "Conflicts Between the Rule and the Utah Code" and a letter from the Federal Highway Administration. She stated that the Utah Department of Transportation's (UDOT) Right-of-Way R933-2-3(2) conflicts with the statutory meaning of the terms "interchange" and "point of widening" found in Utah Code Subsections 72-7-502(9) and (19).

Lyle McMillan, Director, Right-of-Way, and Mark Burns, Assistant Attorney General representing UDOT, addressed the Committee. Mr. McMillan requested that copies of two Utah District court opinions be distributed: Young Electric Sign Company v. Utah Department of Transportation, Second Judicial District, Utah, and A-1 Pioneer Enterprises v. Utah Department of Transportation, Third Judicial District, Utah.

Mr. Burns indicated that the cases uphold the department's position on the issues before the Committee. He further stated that R933-2-3(2) characterizes the terms in question in the only way that would not jeopardize \$18.5 million in federal funding that Utah receives each year.

Reps. Curtis, Ure, and Newbold and Sen. Stephenson asked questions of the witnesses.

Rep. Newbold clarified that the issue focuses on how the "point of widening" is determined.

**MOTION:** Rep. Newbold moved that the parties involved work on a resolution of the issue and report to the Committee in its July 6 meeting. The motion passed unanimously with President Mansell and Rep. Curtis absent.

### **3. Fiscal Impact of Tax Commission Rules**

Rep. Ure indicated that he was concerned with the accuracy of the fiscal impact information included with the Tax Commission's 41 rule filings contained in the May 1 issue of the Utah State Bulletin. Bruce Johnson, Utah State Tax Commission, addressed the Committee, providing background on the issue and responding to Rep. Ure's questions.

### **4. Committee Letters to Public Service Commission and the Public Utilities and Technology Interim Committee**

Chair Stephenson distributed and explained the draft committee letter addressed to Ric Campbell, Chairman of the Public Service Commission, prepared under the direction of the Committee in the June 1 meeting.

**MOTION:** Rep. Ure moved that this letter, addressed to the Public Service Commission, be approved and sent. The motion passed with Sen. Mayne voting against.

Chair Stephenson distributed and explained two versions of a draft letter referring several study issues to the Legislature's Public Utilities and Technology Interim Committee: a short version requested by the Committee chairs and a longer version provisionally approved by the Committee in the June 1 meeting. Discussion followed.

**MOTION:** Rep. Ure moved that the Committee discuss the next item on the agenda. The motion passed with Rep. Buffmire against.

### **5. Committee Business**

The Committee postponed discussion of "Criteria for Emergency Rule Filing" until a future meeting. Future committee meeting dates were set for July 6 and August 3 at 9:00 a.m.

### **6. Adjourn**

Rep. Gowans moved to adjourn the meeting. The motion passed unanimously. Chair Stephenson adjourned the meeting at 11:32 a.m.